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GLOUCESTER CITY COUNCIL

9 Dale Avenue, Gloucester, MA 01930
Office (978) 281-9720 Fax (978) 282-3051

CITY COUNCIL STANDING COMMITTEE

Ordinances & Administration

Monday, August 1, 2011 – 7:00 p.m.

1st Fl. Council Conference Rm. – City Hall

AGENDA

(Items May be taken out of order at the discretion of the Committee)

1. Continued Business:

- A) Memorandum from Community Development Director re: Request for City Council to Amend GCO §22-288 and §22-291 (Off Street Parking) – Harbor Walk and Harbor Parking Lot (Cont'd from 07/18/11)

2. New Appointments:

Planning Board (TTE 02/14/16) Joseph M. Orlando, Esq.

3. Discussion only on Noise Factor at Stage Fort Park

4. Discussion of Distribution of Water; payment of costs by special assessment (ref'd from 7/26/11 City Council Mtg.)

5. Vehicle Traffic Speed Rates on Woodward Avenue (ref'd from 7/26/11 City Council Mtg.)

COMMITTEE

Councilor Sefatia Theken, Chair

Councilor Ann Mulcahey, Vice Chair

Councilor Bruce Tobey

Committee members – Please bring relevant documentation

Back-up and Supporting Documentation all on file at the City Clerk's Office, City Hall

CC: Mayor Carolyn Kirk
Jim Duggan
Linda T. Lowe
Robert Ryan/Larry Ingersoll
Mike Hale/Mark Cole
Sarah Garcia
Gregg Cademartori

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

City Hall Annex
Three Pond Road
Gloucester, MA 01930



TEL 978-281-9781
FAX 978-281-9779
sgarcia@gloucester-ma.gov

CITY OF GLOUCESTER
COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

TO: Mayor Carolyn Kirk
FROM: Sarah Garcia, Community Development Director *Sarah Garcia*
RE: City Council amendment to off-street parking - Harbor Walk
DATE: June 2, 2011

Attached are detailed drawings of the Harbor Walk layout superimposed upon aerial photography of the area so that the proposed route of the Walk is shown clearly how it relates to the existing conditions.

For consideration by City Council, the proposed final layout impacts parking spaces in two areas along the walkway: in St. Peters Park, and in the Harbor Parking Lot, situated on the southerly side of Rogers Street between Gus Foote Park and I4C2.

A primary purpose of the Harbor Walk is to make clear and inviting the pathway along the waterfront. To this end, the pedestrian pathway will cross St. Peters Park in a more direct line from Main Street to the public wharf. This alignment provides a more comfortable seating area, a rather dramatic entrance to the walk, and directs the path along the outside of the existing bell buoy which now obstructs the way. Representatives of both the St. Peter's Fiesta committee and the Waterways Board see no negative impact to their needs and operations using the park. Approximately five parking spaces along the northeasterly side of the Park, however, will be impacted.

In the Harbor Parking Lot, the Harbor Walk crosses adjacent to the property line of the Gloucester House Restaurant. Currently a narrow sidewalk on private property transverses at this location obstructed by bollards and parking meters, making the sidewalk unusable and inaccessible. Sheet number 6 shows the proposed layout of the 6' wide walk along the base of the Harbor Parking Lot with a 2' planting strip. The proposed walk will cause a loss of three parking spaces.

While the benefits to the Harbor Walk might well outweigh any parking concerns, we are nonetheless working on optimizing other locations to offset the loss of parking and will report on our progress when this matter comes before the Council.

Please forward the attached drawings to the City Council for their review and consideration. We ask that the City Council amend Section 22-288 of the Code of Ordinances, Offstreet parking areas, in regards to the Harbor Parking Lot.

The designers are available to present the final plans to the Council at the appropriate time in their deliberations. Thank you.

Attached: Drawings 1-16, Cambridge Seven Associates, Inc.,
Proposed Ordinance Amendment

Proposed Ordinance Amendment: changes (3) shown in Boldface.

Submitted June 2nd, 2011 from the Community Development Department:

Sec. 22-288. - Off-street parking areas.

The following are off-street parking areas, established in accordance with section 22-191:

Fitz Hugh Lane parking lot, situated on the southerly side of Rogers Street and containing the following:

- (1) 48 angled parking spaces;
- (2) Three parallel parking spaces;
- (3) Two handicapped parking spaces;

as shown on a plan on file in the office of the city clerk.

Harbor parking lot, situated on the southerly side of Rogers Street and containing 99 parking spaces as shown on Drawing No. 30005, dated August, 1957, Whitman & Howard, Engineers, the original of which is on file in the office of the city clerk, and, as amended to 71 parking spaces on January 7, 1997.

Delete: "as amended to 71 parking spaces on January 7, 1997"

Insert: "as amended to 68 parking spaces on June 28, 2011"

Main Street parking lot, 15 spaces including two handicapped spaces with two-hour parking limit, no fee, and hours of operation 8:00 a.m. to 7:00 p.m. with vehicles violating the hours of operation to be ticketed and towed.

Manuel F. Lewis parking lot, situated on the northerly side of Rogers Street and the easterly side of Manuel F. Lewis Road and containing 59 spaces as shown on a plan on file in the office of the city clerk.

Pleasant Street parking lot, located on Pleasant Street between Warren and Middle Streets, containing 34 spaces as shown on the plan by Whitman & Howard, dated August 1, 1966, the original of which is on file in the office of the city clerk.

Town Landing parking lot, situated on the easterly side of Commercial Street and containing 118 parking spaces as shown on Drawing No. 30003, dated August 27, 1957, the original of which is on file in the office of the city clerk.

(Code 1970, § 21-149; Ord. of 1-11-1983, § I; Ord. No. 30-1991, § 5, 9-3-1991; Ord. No. 2-1997, § I, 1-7-1997; Ord. No. 24-1997, § I, 2-4-1997; Ord. No. 50-2000, § I, 2-15-2000; Ord. 51-2000, § I, 2-15-2000)

Sec. 22-290. - Same—Off-street parking areas.

The following numbered parking spaces as shown on plans for each individual off-street parking area are hereby established as parking meter zones, with parking meter restrictions as specifically indicated for each zone in accordance with section 22-212:

Duncan Street parking lot, two-hour, public metered use.

Elm Street, westerly side, from its intersection with Federal Street to its intersection with Main Street.

Fitz Hugh Lane lot, ten-hour meters.

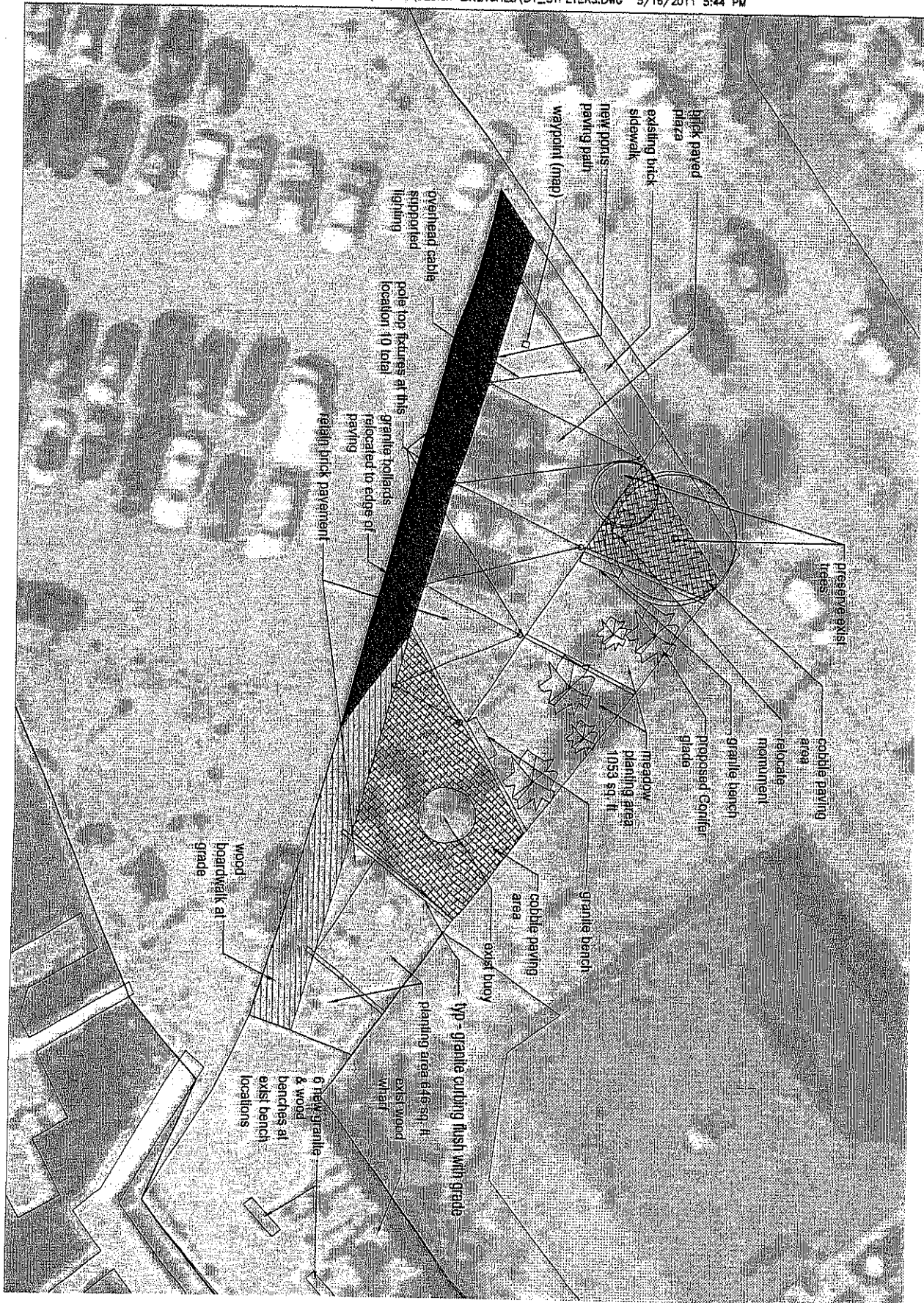
Fort Square, from midnight to 6:00 a.m., beginning at a point on the northerly side from #26 Fort Square to a point 20 feet from the corner of Fort Square, and then from a point 20 feet on the westerly side of #46 Fort Square to a point 20 feet from its intersection with Commercial Street.

Harbor parking lot, for the entire year, as follows:

- (1) Spaces one through 65, ten hours; **Delete "65" insert "62"**
- (2) Spaces 66 through 71, disabled/handicapped. **Delete "66 through 71" Insert 63 through 68"**

Pleasant Street parking lot, from one to two hours.

(Code 1970, § 21-165; Ord. of 6-15-1982, § I; Ord. of 1-11-1983, § III; Ord. No. 37-1995, § I, 9-26-1995; Ord. No. 3-1997, § I, 1-7-1997; Ord. No. 19-1997, § I, 1-21-1997; Ord. No. 20-1997, § I, 1-21-1997; Ord. No. 54-2000, § I, 2-15-2000; Ord. of 10-28-2003(02), § I; Ord. of 5-11-2004(02), § I; Ord. of 5-27-2008(03))



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 492-7000 Fax 492-7007

Title: St. Peter's Square
Proposed

Project: Gloucester Harborwalk

Scale: 1/20

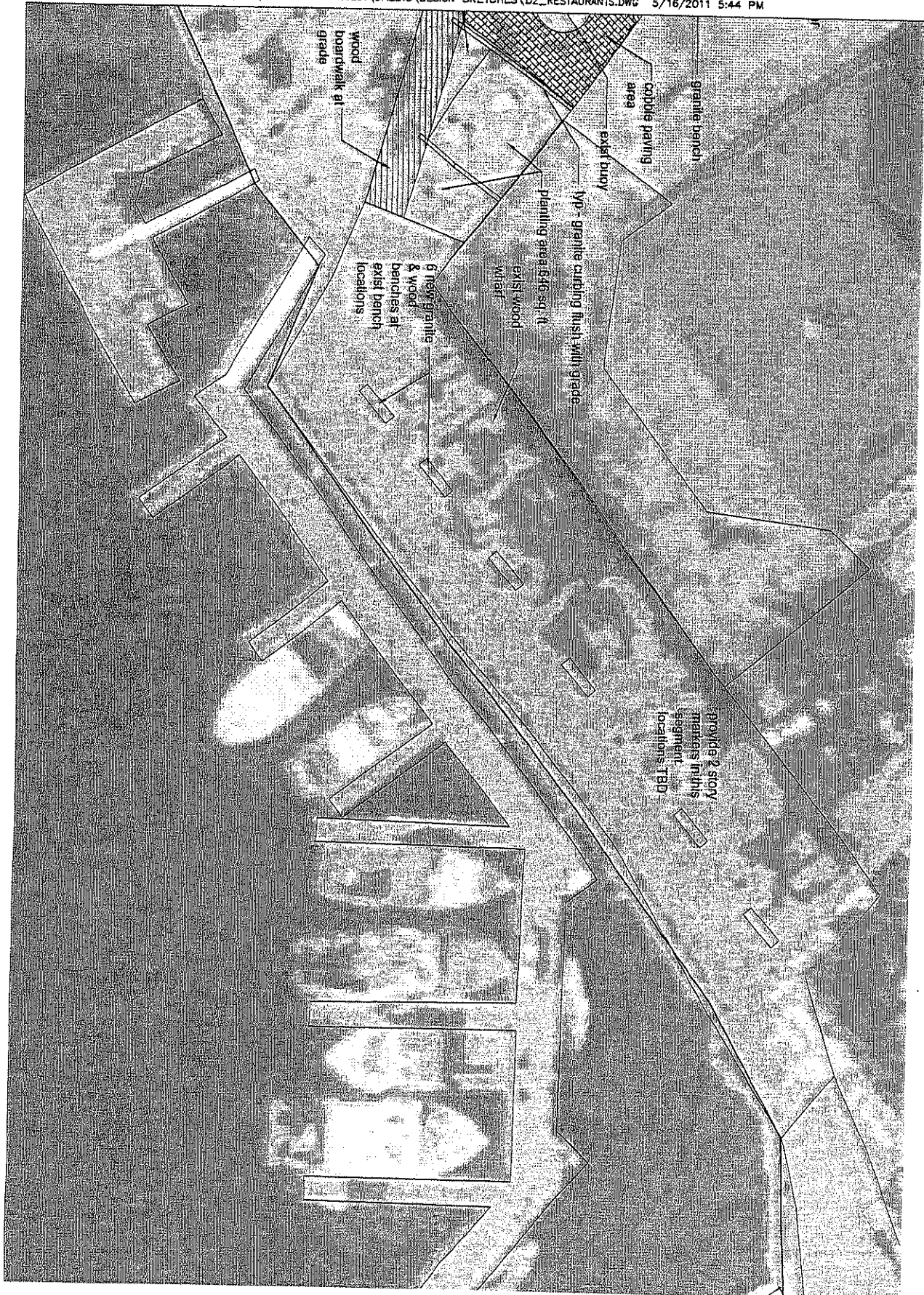
Date: May 10, 2010


RFI No:

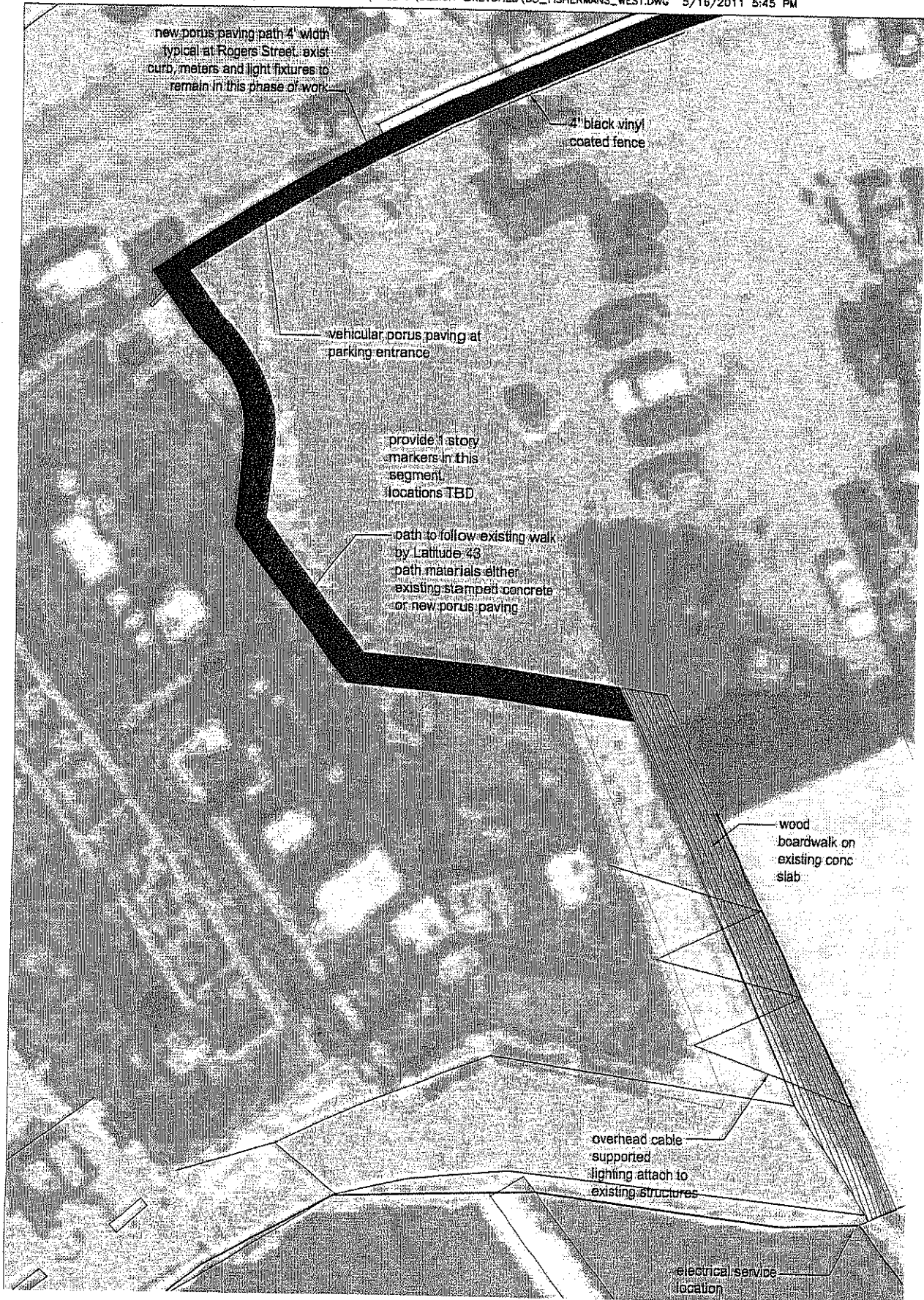
Drawn by:

Ref Sheet: A0.0

1



Cambridge Seven Associates, Inc.		Title: Restaurant Boardwalk Proposed		2	
 Architects and Planners 1050 Massachusetts Ave. Cambridge, MA 02138 617 482-7000 Fax 482-7007		Project: Gloucester Harborwalk			Job #: 1101
		Scale: 1/20	Date: May 16, 2010		Ref: No.
				Ref Sheet: A0.0	



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 492-7000 Fax 492-7007

Title:

Fishermans's Wharf West
Proposed

Project:

Gloucester Harborwalk

Scale:

1:20

Date:

May 16, 2010

RFI No:

Job #:

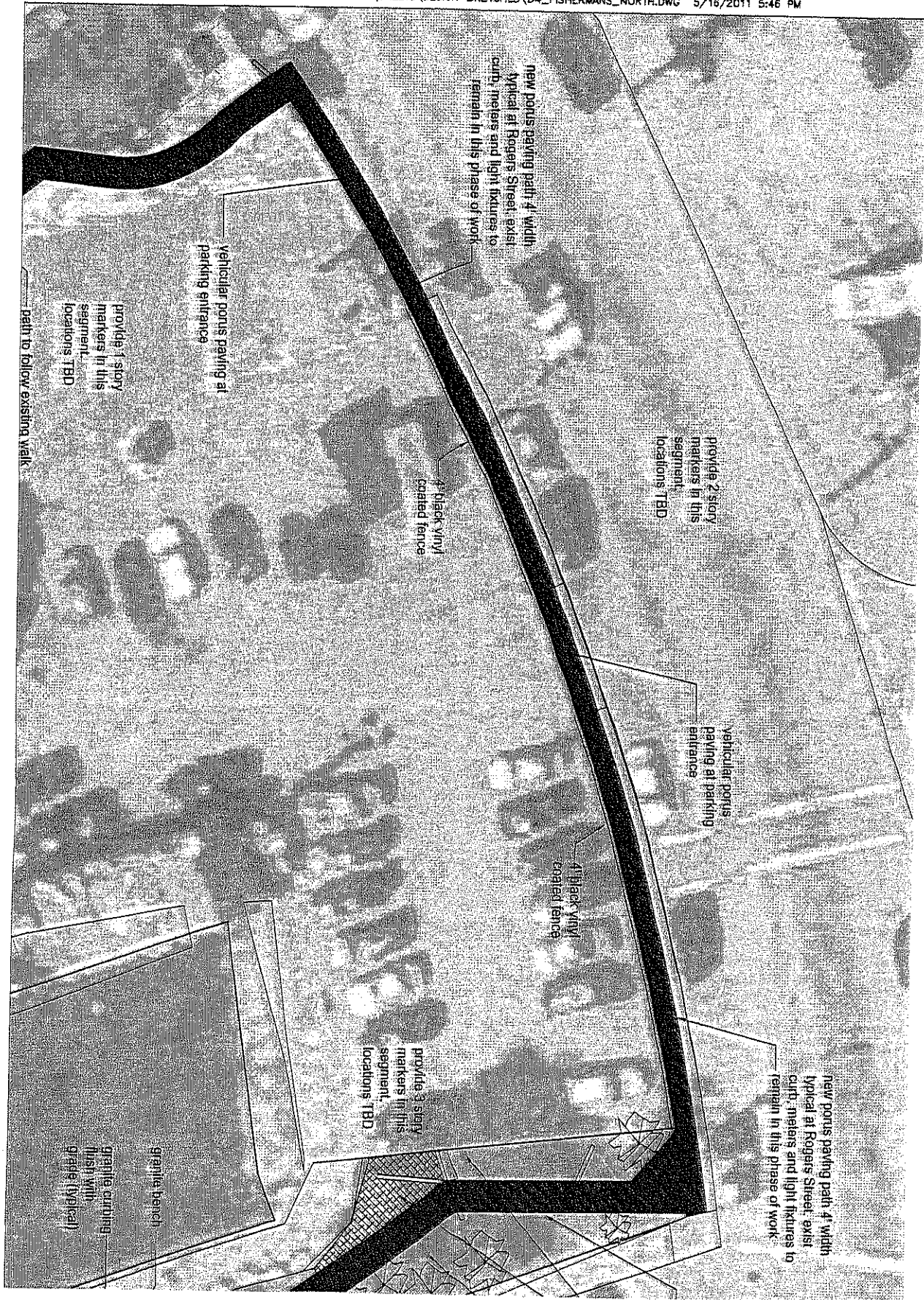
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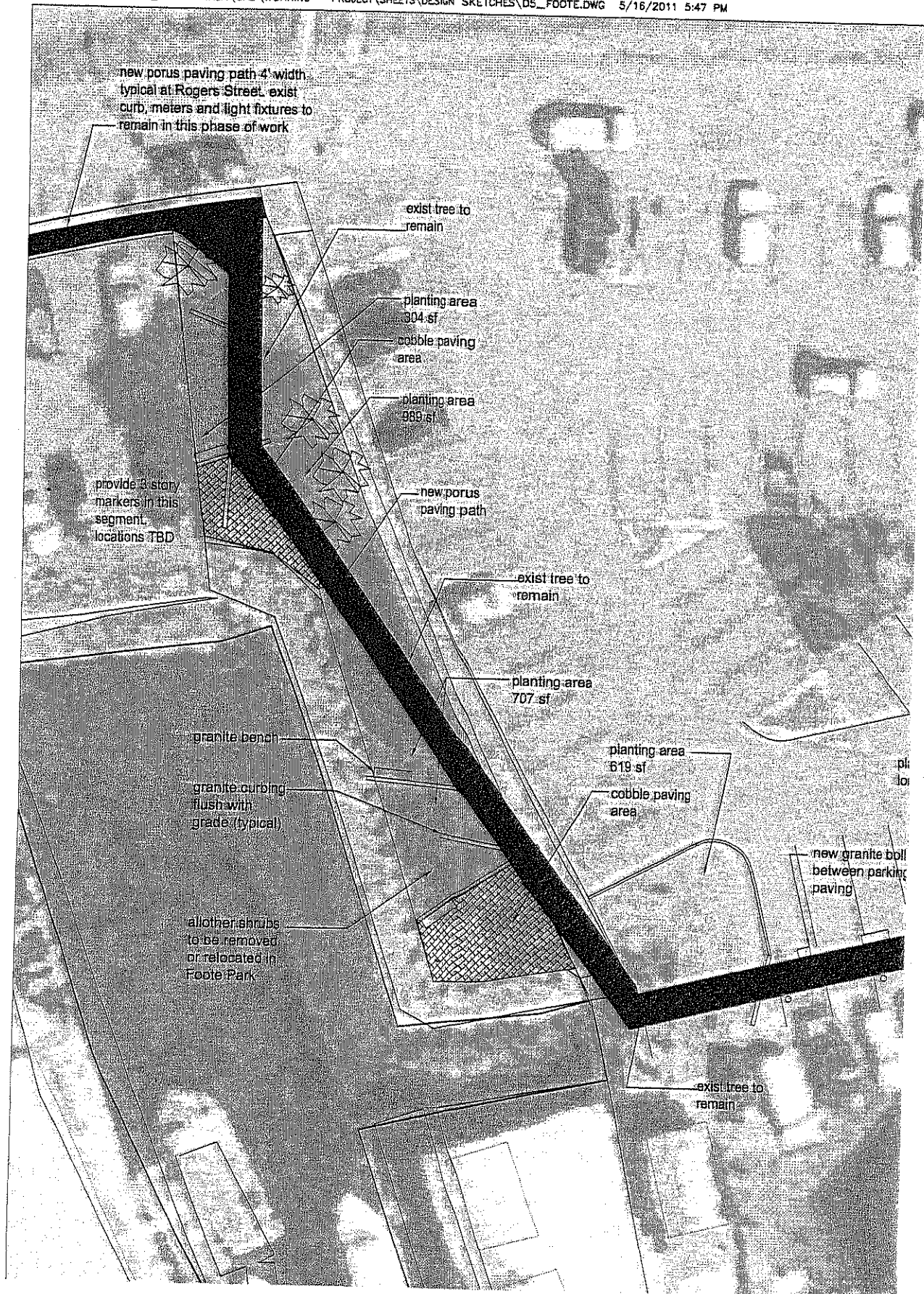
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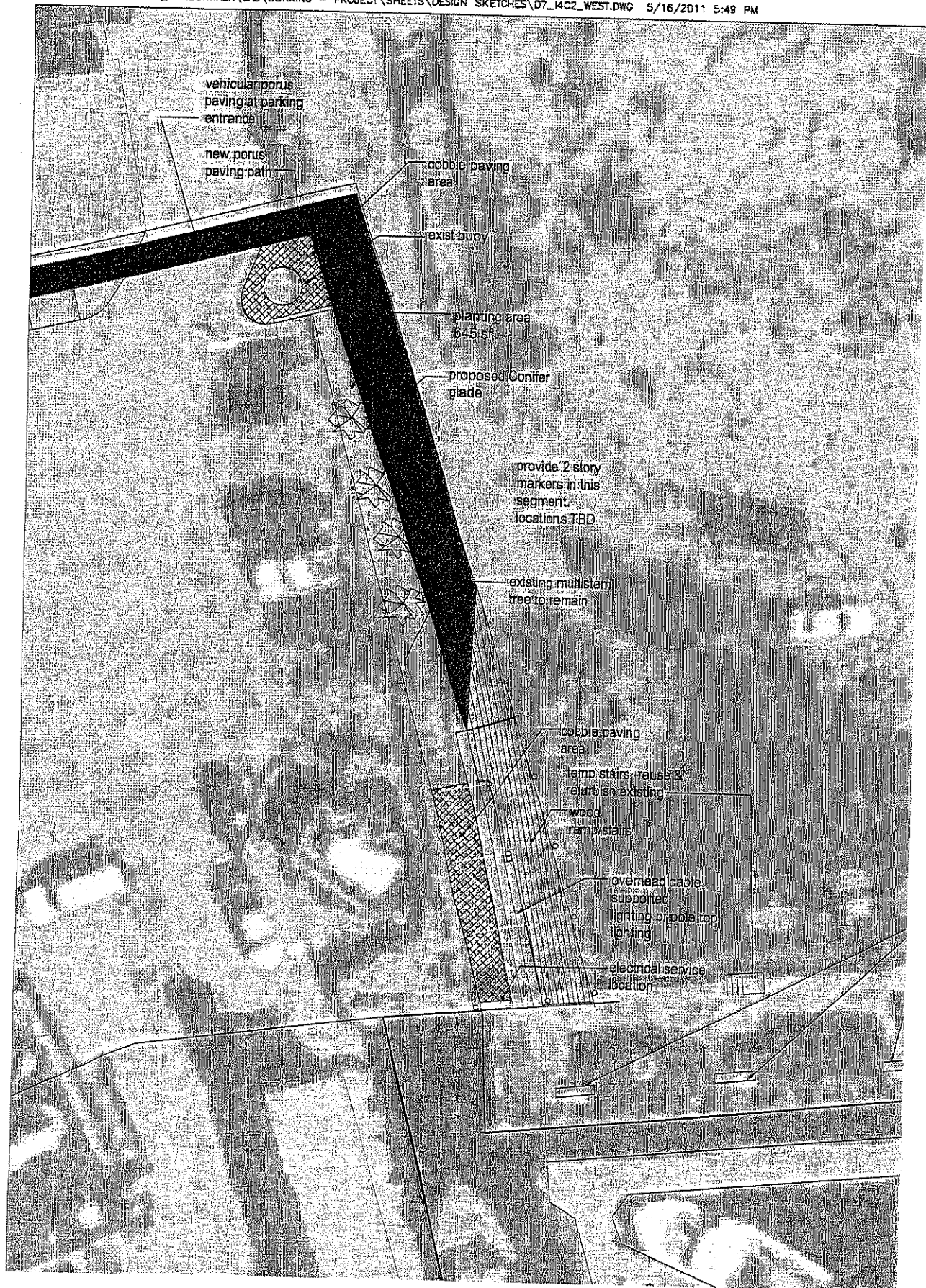
Cambridge Seven Associates, Inc.		Title: Fishermans's Wharf North Proposed		4	Ref Sheet: A0.0
Architects and Planners 1050 Massachusetts Ave. Cambridge, MA 02138 617 482-7000 Fax 482-7007		Project: Gloucester Harborwalk			
Scale:	1:20	Date:	May 16, 2010	RFI No:	Drawn by:
				Job #:	1101



Cambridge Seven Associates, Inc.		Title: Gus Foote Park Proposed		5	
	Architects and Planners 1050 Massachusetts Ave. Cambridge, MA 02138 617 462-7000 Fax 492-7007	Project: Gloucester Harborwalk			Job #: 1101
	Scale: 1/20	Date: May 16, 2010	RFI No:		Drawn by:
				Ref Sheet: A0.0	



Cambridge Seven Associates, Inc.		Title: Gloucester House Proposed		6
 Architects and Planners 1060 Massachusetts Ave. Cambridge, MA 02138 617 492-7000 Fax 492-7007	Project: Gloucester Harborwalk		Job #: 1101	
	Scale: 1/20	Date: May 16, 2010	RFI No:	Drawn by:
				Ref Sheet: A0.0



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 482-7000 Fax 482-7007

Title:

I4-C2 West
Proposed

Project:

Gloucester Harborwalk

Scale:

1:20

Date:

May 16, 2010

RFI No:

Job #:

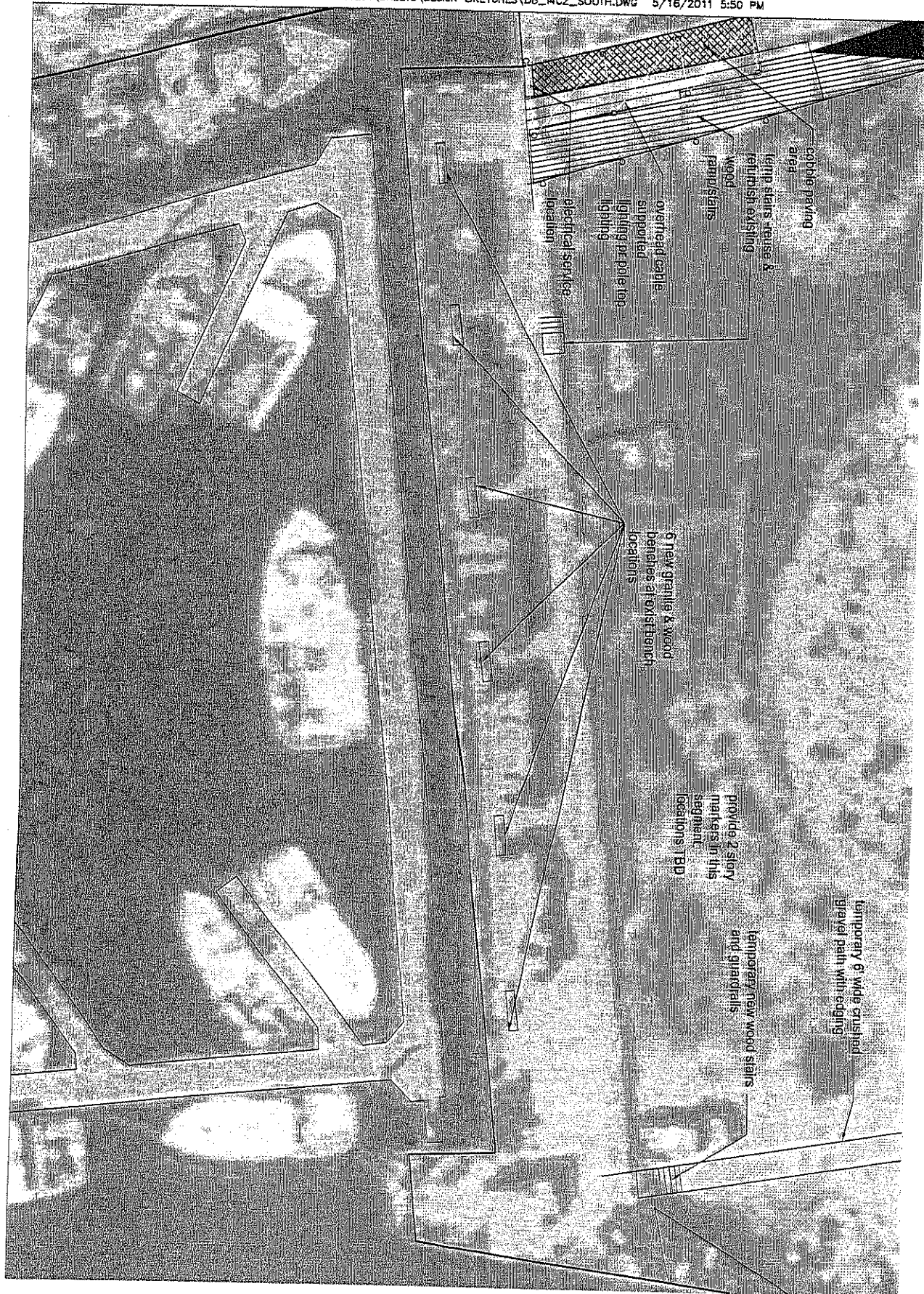
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Ref:

7

ADD



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 492-7000 Fax 492-7007

Title:

14-C2 South
Proposed

Project:

Gloucester Harborwalk

Scale:

1:20

Date:

May 16, 2010

RFI No:

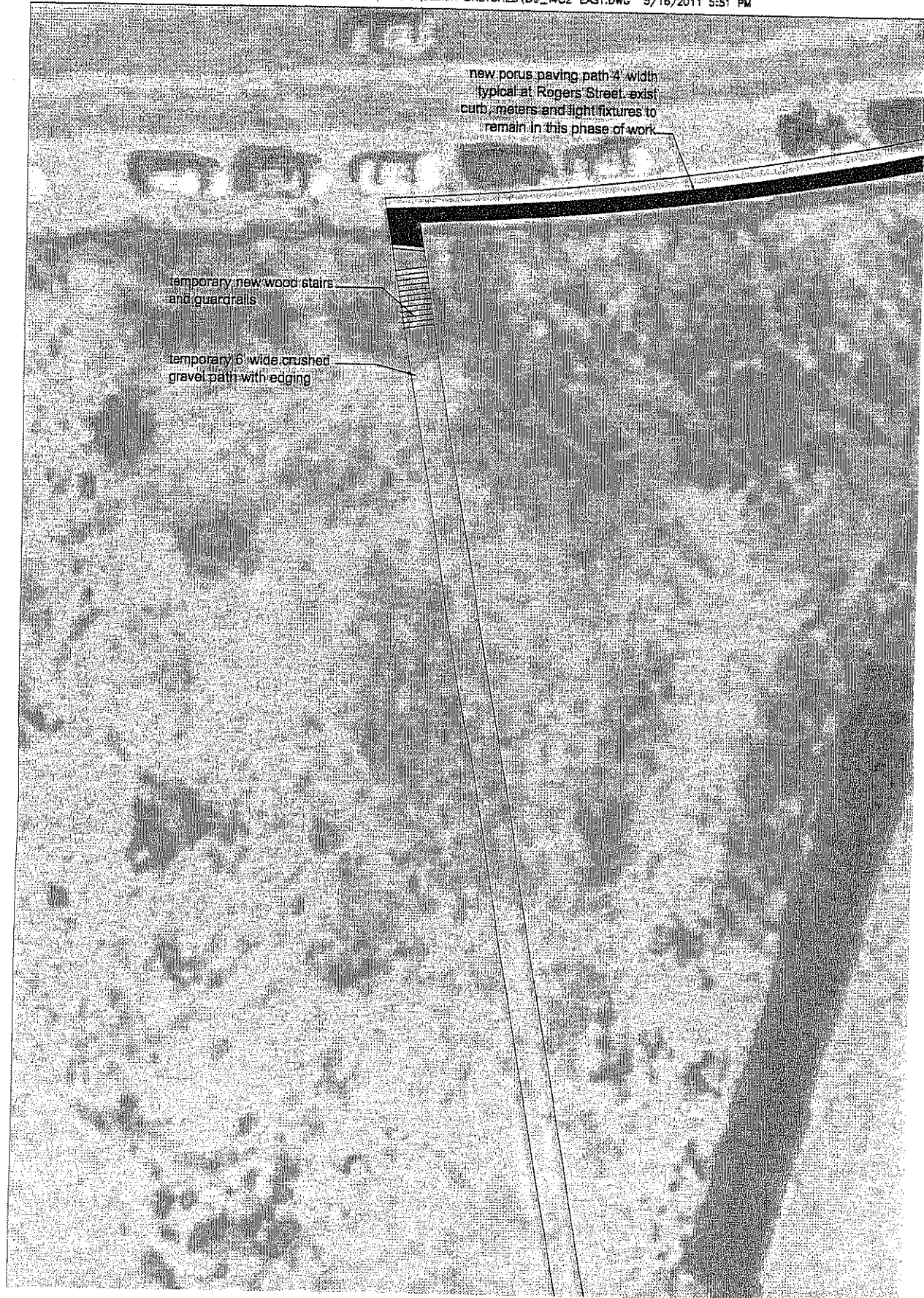
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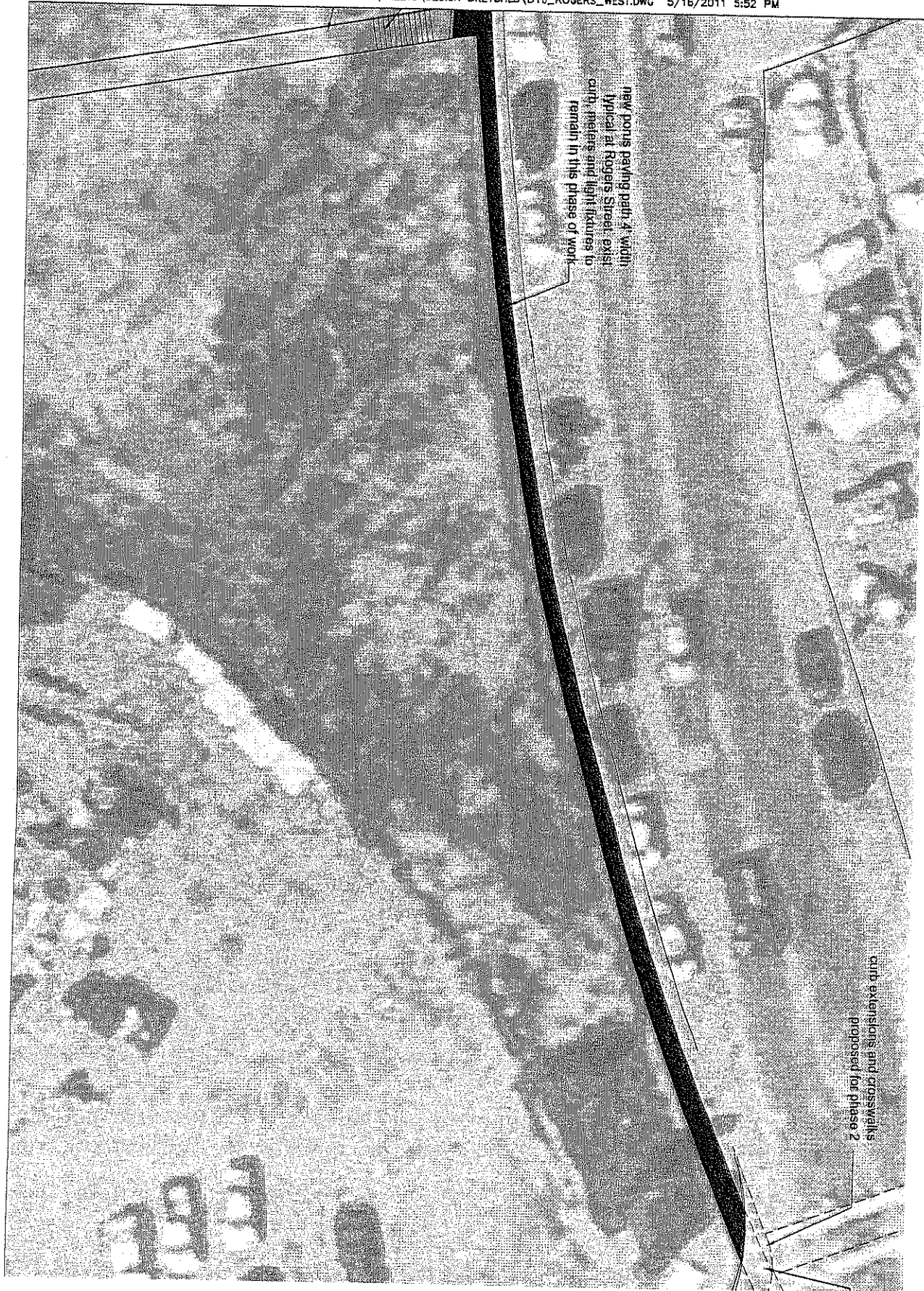
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Cambridge Seven Associates, Inc.		Title: I4-C2 East Proposed		9
Architects and Planners 1050 Massachusetts Ave. Cambridge, MA 02138 617 482-7000 Fax 482-7007		Project: Gloucester Harborwalk		
Scale: 1/20	Date: May 16, 2010	RFI No:	Drawn by:	Ref Sheet: A0.0



Cambridge Seven Associates, Inc. Architects and Planners  1050 Massachusetts Ave. Cambridge, MA 02138 617 492-7000 Fax 492-7007		Title: Rogers Street West Proposed		10
Project: Gloucester Harborwalk		Job #: 1101		
Scale: 1:20	Date: May 16, 2010	RFI No: 	Drawn by: 	
Ref Sheet: A0.0				



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 482-7000 Fax 482-7007

Title:

Rogers Street East
Proposed

Project:

Gloucester Harborwalk

Scale:

1:20

Date:

May 16, 2010

Job #:

1101

RFI No:

Drawn

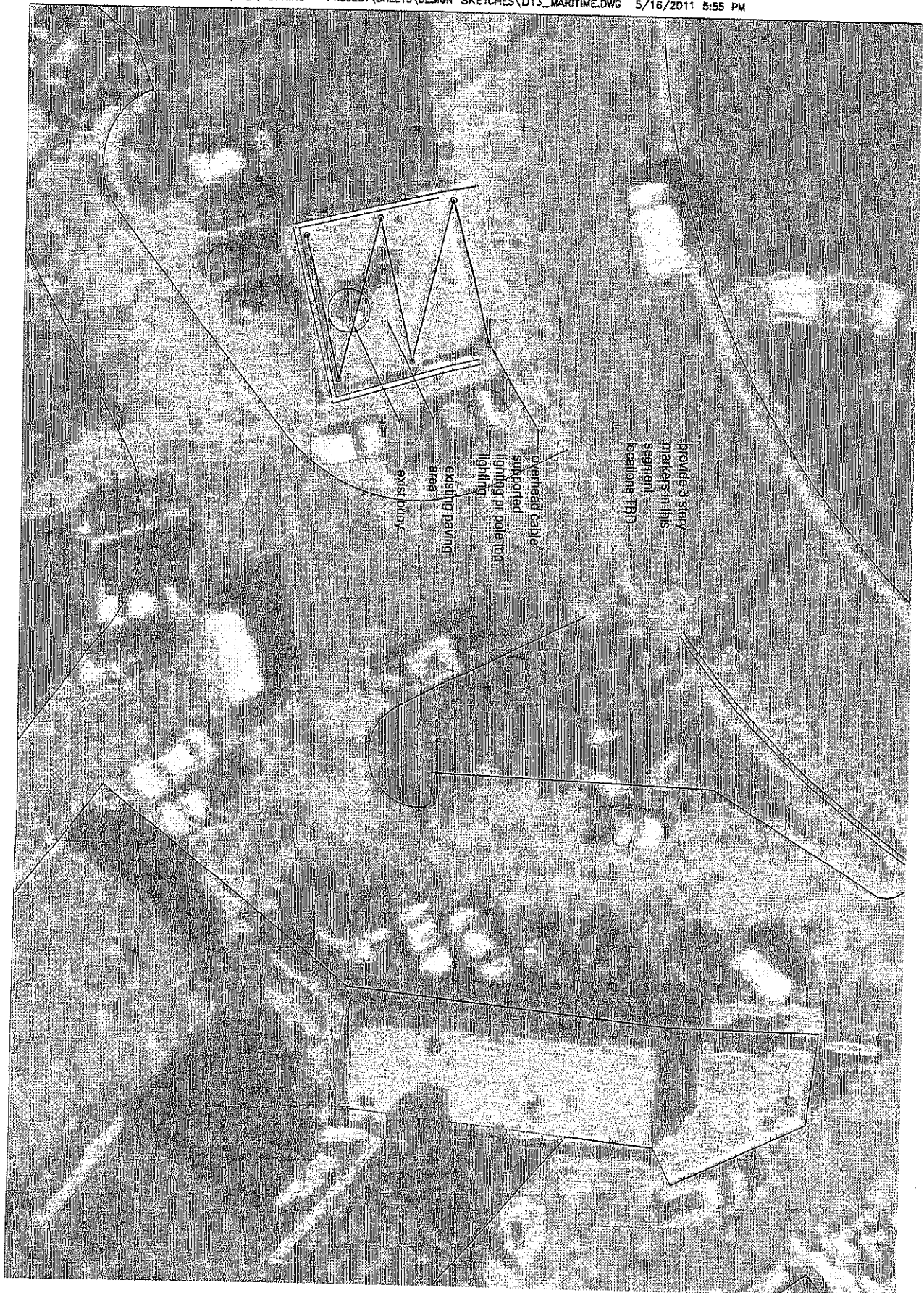
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ADD



Cambridge Seven Associates, Inc. Architects and Planners 1050 Massachusetts Ave. Cambridge, MA 02138 617 492-7000 Fax 492-7007		Title: Fitz Henry Lane Park Proposed		<div style="font-size: 2em; font-weight: bold;">12</div>
Project: Gloucester Harborwalk		Job #: 1101		
Scale: 1:20	Date: May 16, 2010	RFI No:	Drawn by:	
				Ref Sheet: ANN



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 462-7000 Fax 462-7007

Title: Maritime Heritage Center/Jacobs Park
Proposed

Project: Gloucester Harborwalk

Scale: 1/20

Date: May 16, 2010

RFI No:

Job #: 1101

Drawn by:

Ref Sheets:

13

ADD



Cambridge Seven Associates, Inc.



Architects and Planners
1050 Massachusetts Ave.
Cambridge, MA 02138
617 482-7000 Fax 482-7007

Title:

Parsons Street
Proposed

Project:

Gloucester Harborwalk

Scale:

1:20

Date:

May 16, 2010

RFI No:

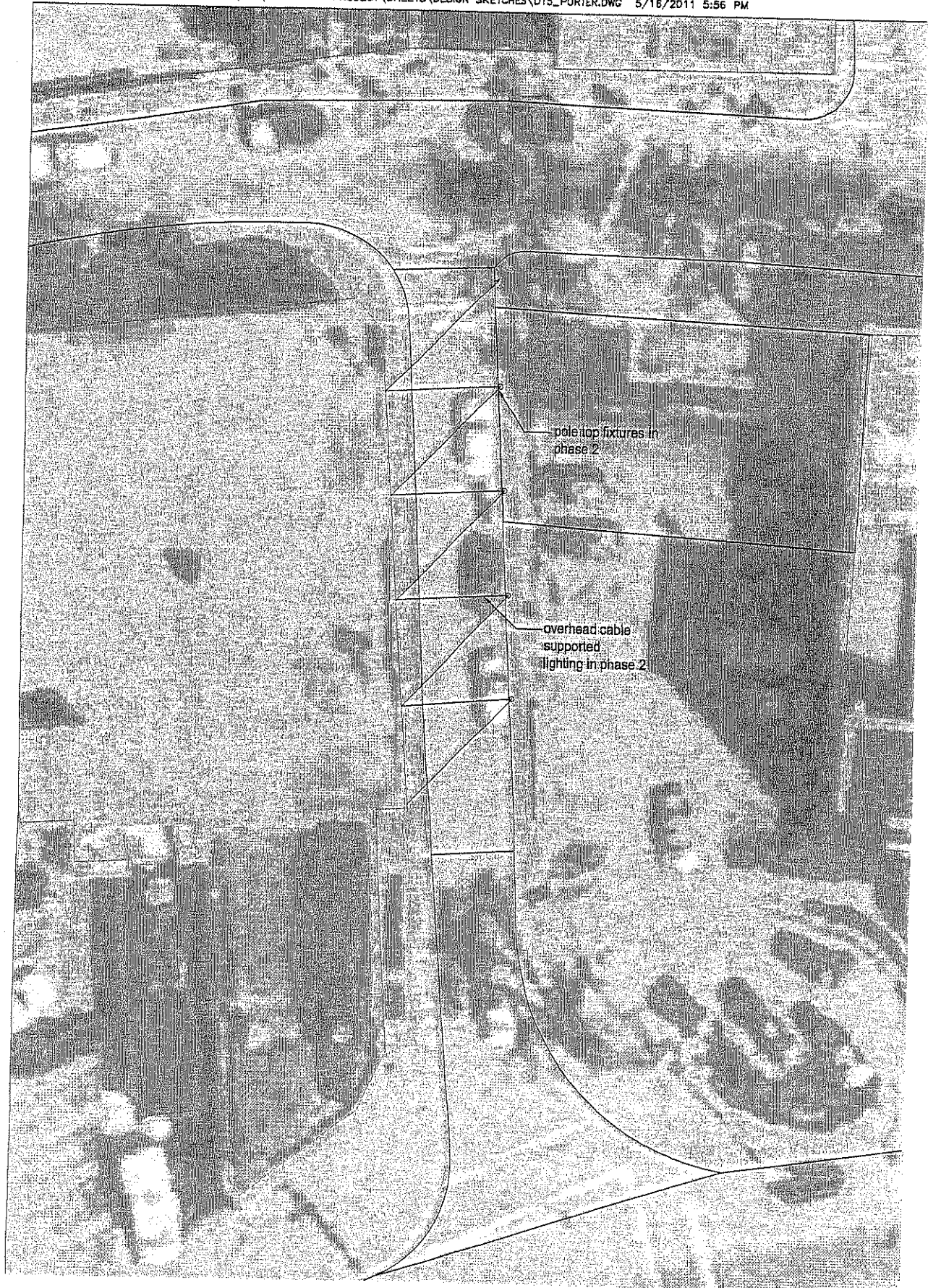
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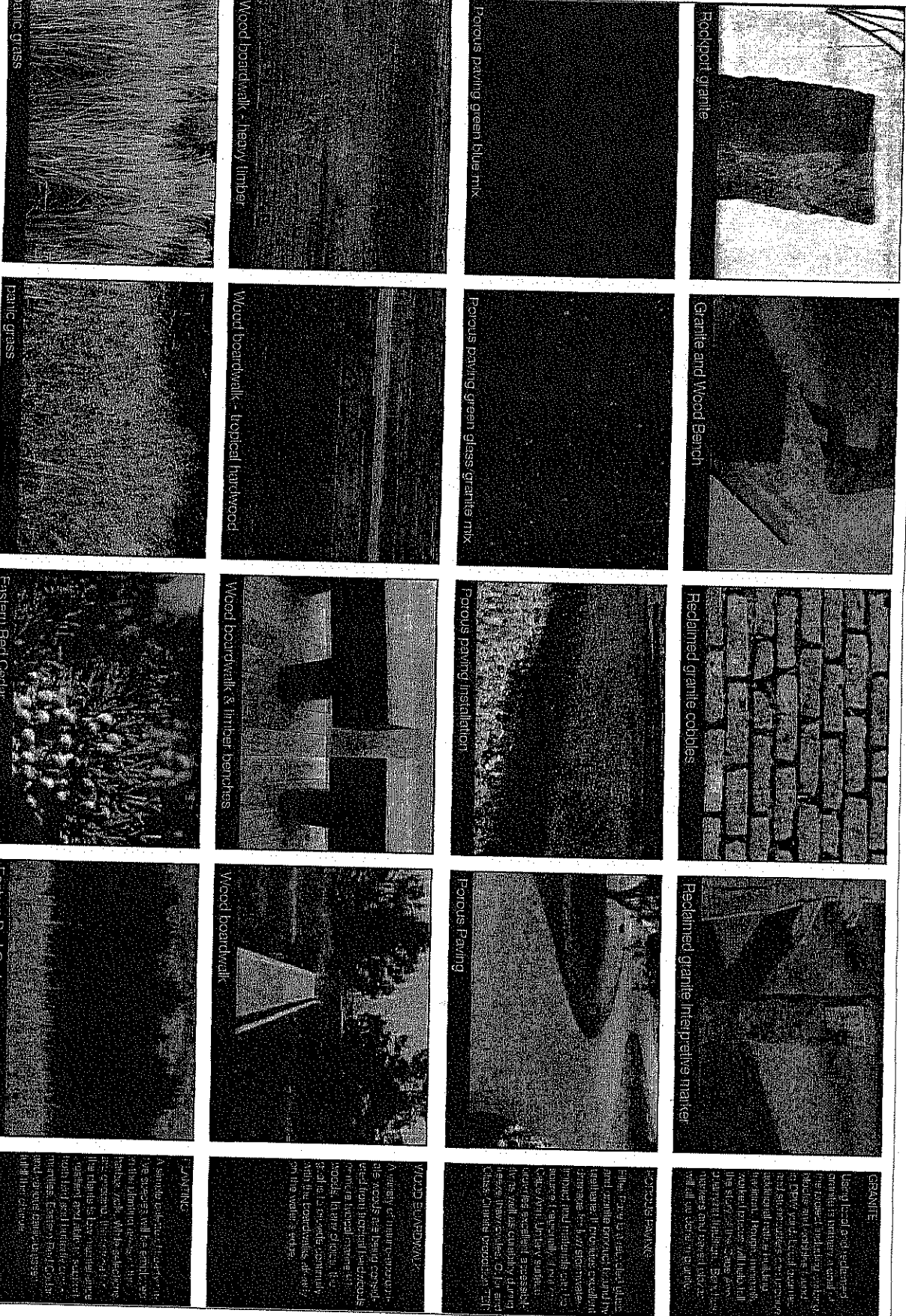
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Sheet:

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Cambridge Seven Associates, Inc. Architects and Planners 1050 Massachusetts Ave. Cambridge, MA 02138 617 492-7000 Fax 492-7007		Title: Porter Street Proposed		15 Ref Sheet: A0.0
Project: Gloucester Harborwalk		Job #: 1101		
Scale: 1:20	Date: May 16, 2016	RFI No:	Drawn by:	



City Hall
Nine Dale Avenue
Gloucester, MA 01930



CITY OF GLOUCESTER
OFFICE OF THE MAYOR

TEL 978-281-9700
FAX 978-281-9738
ckirk@gloucester-ma.gov

July 14, 2011

Joseph M. Orlando, Esq.
1 Western Avenue
Gloucester, MA 01930

Dear Attorney Orlando:

Thank you for your interest in serving on the **Planning Board**. I have issued you a 90-day temporary appointment to serve on this committee which will enable you to attend and vote at meetings. Please report to the City Clerk's office at your earliest convenience to pick up your appointment card (*copy enclosed*) and be sworn in.

Your appointment will be forwarded to the City Council for their meeting of July 26, 2011 and will then be referred out to the Ordinance and Administration subcommittee. You will receive a notice from the Clerk of Committees as to the date on which the O&A Committee will review your appointment.

Should you have any questions or if you require any additional information, please do not hesitate to contact my office.

On behalf of the City of Gloucester, I greatly appreciate your dedication to public service and look forward to working with you in the coming years to help make Gloucester a better place for all of us to live.

Sincerely,

Carolyn A. Kirk
Mayor

cc: Richard Noonan, Chair-Gloucester Planning Board
Mayor's Report to City Council

Enclosure
CAK/c

EFFECTIVE JULY 14, 2011

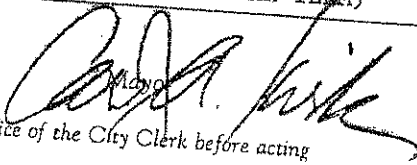
The City of Gloucester, Massachusetts

Dear Joseph M. Orlando, Esq., 1 Western Avenue, Gloucester, MA

It is my pleasure to inform you that I have this day appointed you
to the PLANNING BOARD _____ of the City of
Gloucester, Massachusetts

This is a 90-day temporary appointment. After City Council
approval, term to expire 2/14/2016. (FIVE YEAR TERM)

Respectfully,


Mayor

N.B. You are required to be sworn in at the office of the City Clerk before acting
under this appointment.

Sworn in _____ By: _____

Joseph M. Orlando, Esq.
1 Western Avenue
Gloucester, MA 01930
978-283-8100
jmorlando@orlandoassociates.com

EDUCATION

St. John's Preparatory School
Danvers, MA

High School Degree
Class of 1971

Boston College
Chestnut Hill, MA

Bachelor of Arts
Class of 1975

New England School of Law
Boston, MA

Juris Doctorate
Class of 1978

WORK EXPERIENCE

Orlando & Associates
Principal Owner

Est. 1980-Present

MEMBERSHIPS

I am a member in good standing of the Bars of the Commonwealth of Massachusetts, and Maine. I am admitted to practice in the U.S. District Courts of Massachusetts and Maine; in the First Circuit Court of Appeals, and am a member of the Bar of the United States Supreme Court.

meeting, the applicant may file the grant application without prior city council approval. The applicant must immediately seek city council approval at the next regularly scheduled city council meeting following the application deadline and filing of the application.

(Ord. of 10-5-93, § 1)

Secs. 16-2--16-14. Reserved.

ARTICLE II. PLANNING BOARD*

*Charter reference(s)--Planning board, section 5-2.

Cross reference(s)--Boards, commissions, councils and committees generally, § 2-400 et seq.

State law reference(s)--Planning boards, M.G.L.A. c. 41, §§ 70--72, 81A--81GG.

Sec. 16-15. Composition; appointment; and terms of members.

There shall be a planning board to consist of seven (7) members, appointed by the mayor and confirmed by the city council to staggered terms of five (5) years. Members of the planning board shall be residents of the city.

(Code 1970, § 15-13)

Sec. 16-16. Vacancies.

Vacancies occurring in the board shall be filled by appointment by the mayor. Appointees to fill vacancies shall hold office for the unexpired term.

(Code 1970, § 15-14)

Sec. 16-17. Officers.

The planning board shall annually elect a chairman and vice-chairman from its members and give notice to the city clerk of such election.

(Code 1970, § 15-15)

Cross reference(s)--Officers and employees generally, § 2-40 et seq.

Sec. 16-18. Powers and duties.

The planning board shall exercise such duties and have such powers as are given to planning boards by law.

(Code 1970, § 15-16)

Sec. 16-19. Study of conditions and recommendations to city council.

It shall be the duty of the board to make a careful study of the city as provided by M.G.L.A. c. 41, relating to planning boards, and to report its findings to the city council with such recommendations and suggestions as in its judgment it believes best adapted to the present conditions and the future needs of the city; provided, however, that no expenditures shall be made or contracts awarded until first there shall have been obtained an appropriation fully sufficient to cover the same from the city council.

(Code 1970, § 15-17)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 70.

Sec. 16-20. Annual report.

The planning board shall annually make a written report of its activities to the mayor.
(Code 1970, § 15-18)

State law reference(s)--Similar provisions, M.G.L.A. c. 41, § 71.

Secs. 16-21--16-29. Reserved.

ARTICLE III. CONSERVATION COMMISSION*

***Cross reference(s)**--Boards, commissions, councils and committees, § 2-400 et seq.; conservation commission to promulgate rules and regulations relating to marshlands, § 12-19.

Sec. 16-30. Created.

There is hereby created a conservation commission under the authority of M.G.L.A. c. 40, § 8C.
(Code 1970, § 2-328)

Sec. 16-31. Composition; appointment; terms of members.

The conservation commission shall consist of seven (7) members, all of whom shall be residents of the city and all of whom shall be appointed by the mayor, subject to approval of the city council, to staggered terms of three (3) years.

(Code 1970, § 2-329)

State law reference(s)--Similar provisions, M.G.L.A. c. 40, § 8C.

Sec. 16-32. Powers and duties.

The conservation commission shall have all the duties and powers given to conservation commissions by M.G.L.A. c. 40, § 8C.

(Code 1970, § 2-330)

Sec. 16-33. Condemnation of land or water upon commission's request.

(a) For the purposes of this article, the city may, upon the written request of the conservation commission, take, by eminent domain under M.G.L.A. c. 79, the fee or any lesser interest in any land or waters located in the city, provided the taking has first been approved by two-thirds vote of the city council, which land and water shall thereupon be under the jurisdiction and control of the conservation commission.

(b) No action taken under this section shall affect the powers and duties of the state reclamation board or any mosquito control or other project operating under or authorized by M.G.L.A. c. 252, or restrict any established public access.

(c) Lands used for farming or agriculture, as defined in M.G.L.A. c. 128, § 1A shall not be taken by eminent domain under the authority of this section.

GLOUCESTER CODE OF ORDINANCES - CHAPTER 13 - NOISE

sensitive district classification shall prevail for the purposes of this chapter, i.e., residential for residential/commercial, commercial for commercial/industrial, etc.

(b) Source properties that have been multizoned will be treated by the method of utilizing the more intensive classification; i.e., residential for residential/commercial and commercial for the commercial/industrial, etc.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-9. Public nuisance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound which has been determined a public nuisance noise.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-10. Sounds exempt during daytime hours.

The following sounds are exempt from the provisions of section 13-6 between the hours of 6:00 a.m. to 8:00 p.m. on weekdays and 8:00 a.m. to 8:00 p.m. on weekends:

- (1) Sounds originating from residential property relating to temporary projects for the maintenance or repair of homes, grounds, and appurtenances;
- (2) Sounds created by discharge of firearms on authorized shooting ranges;
- (3) Sounds created by lawfully conducted blasting;
- (4) Sounds created by installation or repair of essential utility services;
- (5) Sounds created by bells, chimes, or carillons not operating for more than five (5) minutes in any one (1) hour;
- (6) Sounds originating from officially sanctioned parades and other public events;
- (7) Sounds created by construction equipment, including special construction vehicles, and emanating from temporary construction sites, if the receiving property is located in a residential district of the city. This exception is created with the stipulation that any equipment powered by internal combustion engines shall be equipped with a muffler in good working order.

(Ord. No. 45-1995, § I, 12-15-95)

Sec. 13-11. Sounds exempt from nighttime reduction.

The following sounds are exempt from the provisions of section 13-7(1):

- (1) A noise from existing electrical substation transformers; however, this does not apply to replacement or new substations;



THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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PART I

ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)[PREV](#) [NEXT](#)

TITLE VII

CITIES, TOWNS AND DISTRICTS

[PREV](#) [NEXT](#)

CHAPTER 40

POWERS AND DUTIES OF CITIES AND TOWNS

[PREV](#) [NEXT](#)

Section 42G

Distribution of water; payment of costs by special assessment

[PREV](#) [NEXT](#)

Section 42G. Any city, town or district having a water supply or water distributing system which, in the case of a city or town, accepts this section and the two following sections in cities other than Plan E cities by vote of the city council subject to the city charter, or Plan E cities by vote of the city council, in towns or districts by vote of its inhabitants at an annual town or district meeting called therefor, may provide by ordinance, by-law or vote for the levy of special assessments to meet the whole or part of the cost thereafter incurred of laying pipes in public and private ways for the conveyance or distribution of water to its inhabitants. Such city, town or district may provide that an owner of land which receives benefit from the laying of water pipes in public and private ways upon which his land abuts or which by more remote means receives benefit through the supply of water to his land or buildings shall pay a proportionate part of the cost not already assessed of extending such water supply to his land.

The amount to be charged against each parcel of land receiving such benefit shall include the cost of the pipes and other material and of the labor in laying them and other expenses incidental thereto and shall be ascertained, assessed and certified by the water commissioners or the other officers in charge of the supply and distribution of water in such city, town or district.

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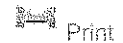
PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 42H Uniform rate of assessment

Section 42H. A city, town or district having a water supply or water distributing system may provide that assessment for the cost of providing and laying water pipes thereafter in public and private ways shall be made upon the several parcels of land receiving benefit from the laying of such pipes by a fixed uniform rate based upon the estimated average cost of all the water pipes therein and the laying thereof, according to the frontage of such land on any way in which a water pipe is laid, or according to the area of such land within a fixed depth from such a way, or according to valuation for purposes of taxation in the last annual assessment, or according to two or all of such measures.



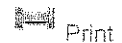
PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 42I Recordation of assessment to establish lien on property; amount of assessment; extension of time for payment

Section 42I. Whenever the water commissioners or other officers in charge of the supply and distribution of water in a city, town or district which has accepted sections forty-two G to forty-two I, inclusive, determine to lay water pipes in public and private ways and assessments may be made under said sections for the construction of such improvement, they shall forthwith cause to be recorded in the registry of deeds of the county or district in which such city, town or district is situated a statement of their action, which shall specify the ways in which such water pipes are to be laid and shall describe such land as does not abut upon any such way which is to be assessed for such improvement, and which shall designate as the owner of each parcel upon which a lien is to be imposed by this section the person who was liable to assessment therefor on the preceding January first under the provisions of chapter fifty-nine. All assessments imposed under sections forty-two G and forty-two H upon any land which abuts upon any such ways in which such water pipes are to be laid or is included in such description shall constitute a lien upon such land from the time such statement is recorded. The provisions of chapter eighty relative to the apportionment, division, reassessment, abatement and collection of assessments, and to interest, shall apply to assessments under this chapter. No assessment shall be levied under sections forty-two H to forty-two I, inclusive, in excess of the benefit to the land assessed from the laying of the water pipes for which the assessment is levied, and if any assessment is found to exceed such benefit, it shall be abated. The water commissioners or other officers in charge of the supply and distribution of water as aforesaid shall, if the order for assessment is upon land not built upon, extend the time of payment of the assessment and interest thereon at the rate of four per cent until it is built upon or for a fixed time; and the assessment and interest shall be paid within three months after such land is built upon or at the expiration of such fixed period.



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TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

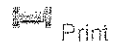
Section 42J Deferral of charges

Section 42J. In a city, town or district which accepts the provisions of this section, the board responsible for assessing charges for the use of water under section sixty-nine B of chapter forty-one or any other provision of law, shall, upon the application of the owner of the real property to which the water is supplied, if such owner is receiving an exemption from property taxes under clause Forty-first A of section five of chapter fifty-nine with respect to such property, defer charges for water supplied to such property. An application for deferral may be filed with said board within the time limit established for the filing of an application for exemption under said clause Forty-first A.

The board that imposes such charges shall notify the board of assessors of any deferral granted under the provisions of this section, and shall annually thereafter notify said board of assessors of any unpaid water rates and charges to be added to the tax bill. Such charges shall be committed by the assessors along with the real estate taxes for each fiscal year, and secured by the statement of lien executed pursuant to said clause Forty-first A. Upon such qualification for deferral, no further application under this section need be filed in order to qualify for deferral of water charges in subsequent years. No additional notice or statement of lien need be recorded or registered with respect to such deferred water charges, but the amount of such deferred charges shall be listed on any certificate of liens issued under section twenty-three, twenty-three A or twenty-three B of chapter sixty. Whenever a person who has received an exemption under said clause Forty-first A ceases to receive such exemption, the board of assessors shall cease deferring water rates and charges added to the tax bill, and shall notify the board responsible for the assessment of such charges of the discontinuance of such deferral of said charges.

Interest shall be charged upon deferred water charges at the same rate as interest on taxes deferred under said clause Forty-first A. The deferred charges, together with accrued interest shall be due and collectible at the same time and upon the same terms and conditions as taxes deferred under said clause Forty-first A.

The amount of water charges deferred under this section, plus accrued interest, shall not be used in determining whether a taxpayer continues to be eligible for exemption under said clause Forty-first A.



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TITLE VII CITIES, TOWNS AND DISTRICTS

CHAPTER 40 POWERS AND DUTIES OF CITIES AND TOWNS

Section 42K Assessment of betterments

Section 42K. In a city, town or district which accepts the provisions of this section, the water commissioners may assess betterments in accordance with the provisions of chapter eighty for the construction and connection of water mains and services by a uniform unit method which shall be based upon the common main construction costs divided among the total number of existing and potential water units to be served after having allocated the town contribution, if any, and after having proportioned the cost of special (specific unit) and general benefit facilities. Each water unit shall be equal to a single family residence. Potential water units shall be calculated on the basis of zoning in effect at the date of assessment. Existing and potentially and potentially multi-family, commercial, industrial and semi-public uses shall be converted into water units on the basis of residential equivalents.